

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v.

Judith Ursin, R.N.

License No. E52326

88 Leonard Bridge Road

Lebanon Connecticut 06249

CASE PETITION NO. 920221-10-009

AMENDED MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Health Services (hereinafter the "Department") with a Statement of Charges and a Motion for Summary Suspension both dated September 8, 1992.

The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Judith Ursin (hereinafter the "Respondent").

The Motion for Summary Suspension alleged that the continued nursing practice of the Respondent represented a clear and immediate danger to the public health and safety.

* This Memorandum of Decision represents the identical Memorandum of Decision, as signed on November 5, 1992, with the exception of a correction in the Case Petition Number.

On September 10, 1992 the Board found that there was a clear and immediate danger based upon the evidence presented in the Motion for Summary Suspension. The Board granted the Summary Suspension of the Respondent's nursing license, and issued a Notice of Hearing scheduling a hearing for September 30, 1992. (State's Exhibit 1) The hearing took place on September 30, 1992 in Room 112, National Guard Armory, Maxim Road, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Judith Ursin, hereinafter referred to as Respondent, was issued Connecticut Registered Nurse License Number E52326 on April 24, 1989 and was at all times referenced in the Statement of Charges, the holder of said license. (State's Exhibit 1) (Hearing Transcript, September 30, 1992, p. 26)
2. The Respondent was aware of the time and location of the hearing. State's Exhibit 1 indicates that the Summary Suspension Order and the Notice of Hearing were served at the Respondent's address of record by Deputy Sheriff.

3. The Respondent was present at the hearing but was not represented by counsel. (Hearing Transcript, September 30, 1992, pp. 2)
5. The Respondent (aka Judith Shea) was issued Connecticut Practical Nurse License Number 017155 on December 1, 1977. This license expired on June 27, 1991 and has not been renewed. (State's Exhibit 1)
6. That on March 19, 1981 the Board of Examiners for Nursing ordered the practical nurse license of the Respondent suspended for six (6) months, effective April 1, 1981, for diverting Demerol from Windham Community Memorial Hospital, Willimantic, Connecticut. Said diversion of Demerol occurred on or about March 1980. (State's Exhibit 1)
7. That on or about September 1991 and at times subsequent thereto the Respondent was employed as a registered nurse at Windham Community Memorial Hospital, Willimantic, Connecticut. (State's Exhibit 1) (Answer: Hearing Transcript, September 30, 1992, p. 26)
8. That beginning on or about the end of September 1991 the Respondent, while employed as a registered nurse at Windham Community Memorial Hospital, diverted for her own use from the Critical Care Unit the controlled substance Demerol (Meperidine). (State's Exhibit 1, pp. 16-19) (Hearing Transcript, September 30, 1992, pp. 7, 14)

9. That the Respondent in her acts of diverting the controlled substance Demerol from Windham Community Memorial Hospital, documented administering Demerol to patients when in fact the medication was not administered but kept for her own use.
(State's Exhibit 1, pp. 16-18)
10. That the Respondent while employed as a registered nurse at Windham Community Memorial Hospital, substituted bacteriostatic saline for Demerol in carpupject syringes stocked on the Critical Care Unit. (State's Exhibit 1, pp. 17-18) (Hearing Transcript, September 30, 1992, pp. 17-18)
11. That during July and August 1992 the Respondent was employed as a registered nurse at Johnson Memorial Hospital, Stafford Springs, Connecticut. (State's Exhibit 1) (Answer: Hearing Transcript, September 30, 1992, p. 28)
12. That on or about July 25, 1992 through July 31, 1992, the Respondent, while working as a registered nurse, diverted the controlled substance Demerol (Meperidine) from the Intensive Care Unit at Johnson Memorial Hospital. (State's Exhibit 1, pp. 8-9, 14) (Hearing Transcript, September 30, 1992, pp. 8, 14)
13. That the Respondent diverted the Demerol from Johnson Memorial Hospital by taking the Demerol from carpupject syringes and substituting normal saline solution. (State's Exhibit 1, pp. 9, 14) (Hearing Transcript, September 30, 1992, p. 17)

DISCUSSION AND CONCLUSIONS

The FIRST COUNT PARAGRAPH 3a, b and c of the Statement of Charges alleges the Respondent, while employed as a registered nurse at Windham Community Memorial Hospital, Willimantic, Connecticut, during and subsequent to September 1991, "diverted Demerol...abused or utilized to excess said medication...failed to completely or properly or accurately make documentations in the medical records or hospital records...."

The Respondent admits to these charges. (Answer: Hearing Transcript, September 30, 1992, pp. 26-27)

Based on the Respondent's admission and FACTS 7-10 the Board concludes the Respondent did act as alleged in the First Count Paragraph 3a, b and c.

The FIRST COUNT PARAGRAPH 3d of the Statement of Charges alleges the Respondent, while employed as a registered nurse at Windham Community Memorial Hospital during and subsequent to September 1991, "falsified one or more controlled substance receipt records."

The Respondent denies this charge. (Answer: Hearing Transcript, September 30, 1992, p. 27)

The Respondent in a sworn written statement dated December 2, 1991 (State's Exhibit 1, pp. 18-19) stated that she documented administering Demerol to patients when in fact the medication was diverted to her own use. (FACT 9)

Based on this fact the Board concludes the Respondent falsified one or more controlled substance receipt records.

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; (6) fraud or material deception in the course of professional services or activities...."

The Board concludes that the Respondent by her conduct as specified in the First Count Paragraph 3, violated the General Statutes of Connecticut Section 20-99(b)(2)(5)(6) and therefore is subject to disciplinary action pursuant to the General Statutes of Connecticut Sections 19a-17 and 20-99.

The SECOND COUNT PARAGRAPH 3a, b and c of the Statement of Charges alleges the Respondent, while employed as a registered nurse at Johnson Memorial Hospital, Stafford Springs, Connecticut on or about July and August 1992, "diverted Demerol...inappropriately removed Demerol from one or more, carpujects...inappropriately replaced Demerol in one or more carpujects with normal saline...."

The Respondent admits to these charges. (Answer: Hearing Transcript, September 30, 1992, p. 28)

Based on the Respondent's admission and FACTS 11-13 the Board concludes the Respondent did act as alleged in the Second Count Paragraph 3a, b and c.

The SECOND COUNT PARAGRAPH 3d of the Statement of Charges alleges the Respondent, while employed as a registered nurse at Johnson Memorial Hospital, Stafford Springs, Connecticut on or about July and August 1992, "abused or misused Demerol."

The Respondent denies this charge. (Answer: Hearing Transcript, September 30, 1992, p. 28)

The Board concludes that the Respondent's conduct as specified in the Second Count Paragraph 3a, b and c is misuse of the controlled substance Demerol.

The Respondent testified (Hearing Transcript, September 30, 1992, pp. 14-19, 28) that she threw away and did not use the Demerol which she diverted from Johnson Memorial Hospital. She further testified that she does not have a substance abuse problem.

Based on the Respondent's history of drug diversion for her own use in 1980 (FACT 6) and her admission of drug diversion and abuse (FIRST COUNT) the Board concludes that the Respondent's denial of abusing the Demerol diverted from Johnson Memorial Hospital is not credible.

The General Statutes of Connecticut Section 20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol narcotics or chemicals...."

The Board concludes that the Respondent, by her conduct as specified in the Second Count Paragraph 3, violated the General Statutes of Connecticut Section 20-99(b)(2)(5) and therefore is subject to disciplinary action pursuant to the General Statutes of Connecticut Sections 19a-17 and 20-99.

ORDER

Pursuant to its authority under the General Statutes of Connecticut Sections 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders:

1. That for the First Count, the registered nurse license of the Respondent be revoked.
2. That for the Second Count, the registered nurse license of the Respondent be revoked.
3. That the date of revocation shall become effective on January 1, 1993.

The Board of Examiners for Nursing hereby informs the Respondent, Judith Ursin, and the Department of Health Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut, this 2nd day of December, 1992.

BOARD OF EXAMINERS FOR NURSING

By

Janice A. Thibodeau